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UNITED STATES DISTRICT COURT  
DISTRICT OF GUAM

FELIPE DATUIN, JEFF GUMATAOTAO  
and JAMES CRUZ,

Plaintiffs,

vs.

LSG LUFTHANSA SERVICE GUAM, INC.,  
et al.

Defendants.

CIVIL CASE NO. 04-00010

MUTUAL STATEMENT RE:  
DISAGREEMENT OF SCHEDULING  
ORDER

Pursuant to Local Rule 16.2(b) of the District Court of Guam, the parties have communicated and do not agree on a proposed Scheduling Order. Attached hereto are proposed Scheduling Orders prepared by each party.

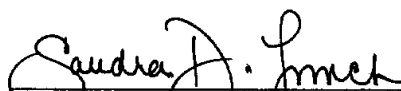
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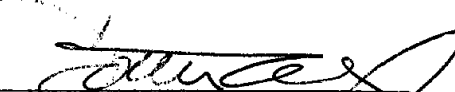
LAW OFFICES OF SANDRA D. LYNCH

LIMTIACO CRUZ & SISON, PLLC

By:

  
Sandra D. Lynch, Esq.  
Attorney for Plaintiffs

By:

  
Donna M. Cruz, Esq.  
Attorney for Defendants  
LSG Service Guam, Inc. and  
LSG Catering Guam, Inc.

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5 *Attorney for Michelle D. Ramos,*

*Ricardo G. "Gino" Perez, and Nona Perez*

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10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF GUAM**

13 FELIPE DATUIN et al., )

CIVIL CASE NO. 04-00010

14 Plaintiffs, )

**SCHEDULING ORDER**

15 vs. )

16 LSG Lufthansa Service Holding AG, )

17 LSG Lufthansa Service [LSG] Guam, Inc., )

LSG Catering Guam, Inc., )

18 LSG Lufthansa Service USA Corporation, )

19 LSG Lufthansa Service [LSG] Asia, Ltd., )

LSG Lufthansa Service [LSG]Saipan, Inc., )

20 LSG Catering Saipan, Inc. )

LSG Sky Chefs, )

21 and DOES 1 through 20, )

22 Defendants. )

23 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure and the Local  
24 Rule 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling Order:

25 1. The nature of the case is as follows: Plaintiffs filed suit against their employers, LSG Lufthansa  
26 Service Holding AG, and others under Title VII of the Civil Rights Act, alleging that they were  
27 discriminated against in their terms and conditions of their employment.

28 2. There are no motions pending or filed in this matter. Discovery has not been initiated by

any party at this time.

3. All motions to add parties and claims shall be filed on or before **July 2, 2004** and heard on **July 22, 2004 at 9:30 a.m.**

4. All motions to amend pleadings shall be filed on or before **July 2, 2004** and heard on **July 22, 2004 at 9:30 a.m.**

5. Status of Discovery:

a) The times for disclosures under Rule 26(a) and 26(e) of the Federal Rules of Civil Procedure are modified as follows:

1. The "initial disclosures" described in subsections (A), (B), (C) and (D) of the FRCivP Rule 26(a)(1) shall be exchanged by **October 15, 2004** [Pursuant to local rules, these are not to be filed]

2. The disclosure of expert testimony by plaintiffs' experts shall be made not later than **December 17, 2004**. The disclosure of expert testimony by defendants' experts shall be made by **January 21, 2005**;

3. The "pretrial disclosures" described in FRCivP Rule 26(3)(A), (B) and (C) shall be made at least thirty (30) days before the trial date or by **May 12 2005**.

b) The following is a description and schedule of all pretrial discovery each party intends to initiate prior to the close of discovery;

**Plaintiffs:** Interrogatories, Requests to Produce, Admissions and depositions;

**Defendants:** Interrogatories, Requests to Produce, Admissions and depositions;

6. The parties shall appear before the District Court on \_\_\_\_\_ at \_\_\_\_\_ a.m. for the initial scheduling conference;

7. The discovery cut-off date (defined as the last day to file responses to discovery) is **February 25, 2005**.

8. The anticipated discovery motions are Motions to Compel or Motions for Protective Orders. All discovery motions shall be filed on or before **March 31, 2005**, and heard on or about **April 22, 2005 at 10:00 a.m.**

- 1 9. The anticipated dispositive motions are Motions for Summary Judgment. All dispositive  
2 motions shall be filed on or before **March 31, 2005**, and heard on or about **April 22, 2005**  
3 at **10:00 a.m.**
- 4 10. The prospects for settlement are unknown at this time;
- 5 11. The Preliminary Pre-Trial Conference shall be held on **June 6, 2005 at 10:00 a.m.**(no later  
6 than twenty-one (21) days prior to trial);
- 7 12. The parties' pretrial materials, discovery materials, final witness lists, designations and final  
8 exhibit lists shall be filed on or before **June 13, 2005**;
- 9 13. The proposed Pre-Trial Order shall be filed on or before **June 13, 2005**(no later than fourteen  
10 (14) days prior to trial);
- 11 14. The Final Pre-Trial Conference shall be held on **June 20, 2005 at 3:00 p.m.** (seven (7) days  
12 prior to trial);
- 13 15. The trial shall be held on **June 27, 2005 at 8:30 a.m.**, which is within 18 months of filing the  
14 Complaint;
- 15 16. The trial is not a jury trial;
- 16 17. It is anticipated that the trial will take 10 days to try;
- 17 18. The names of counsel are as follows:
- 18 For Plaintiff: Sandra D. Lynch  
19 207 Martyr Street  
20 Suite 3, Travel Pacificana Building  
21 Hagåtña, Guam 96910  
22 Telephone: (671) 472-8889  
23 Fax: (671) 472-8890
- 24 For Defendant: Alicia A.G. Limtiaco  
25 Limtiaco, Cruz and Sison, PLLC  
26 777 Route 4, MVP Business Center  
Suite 11B  
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Telephone (671) 477-0000  
Fax: (671) 477-0001
- 27 19. The parties wish to submit this case to a settlement judge;
- 28

1 20. The following issues will affect the status or management of the case:

2 a) At least one of the defendants is an off island resident;

3 b) Some of the witnesses are off island residents.

4 Dated this \_\_\_\_\_.

5  
6 HONORABLE  
7 Judge, District of Guam  
8  
9

10 *Submitted by:*

11 LAW OFFICE OF SANDRA D. LYNCH

12  
13 By:

  
Sandra D. Lynch, Esq.  
Attorney for Plaintiff

14  
15  
16 *Approved By:*

17 LIMTIACO, CRUZ and SISON, PLLC

18  
19 By:

Alicia A.G. Limtiaco, Esq.  
Attorneys for Defendant